IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

Friday, July 15, 2011

Present:
Hon'ble Sri Justice N. Ravi Shankar

Crl.R.C.No. 1474 of 2011

Between:
Peerla Thulsidass

…Petitioner

and

The State of AP and others

…Respondents

THE HON'BLE SRI JUSTICE N. RAVI SHANKAR

Crl.R.C.No. 1474 of 2011

Judgment

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

2. The point which arises for determination in this revision is whether the order of the learned Special Judicial Magistrate of First Class for Prohibition and Excise, Guntur (the trial court) by which she decided to send certain documents to Handwriting Expert for opinion is correct or not. The trial court also for that purpose appears to have ordered collection of specimen writings and signatures of the petitioner.

3. The petitioner herein is A-3 in C.C.No.474 of 2008 on the file of the trial court. He is facing trial along with other accused for the charges relating to forgery i.e., alleged forgery of certain mortgage documents executed in favour of a bank. The other details are not necessary. The main plea of the petitioner is that the case is of the year 2008, earlier the petitioner was for some time in police custody, at that time the police did not think it necessary to have Expert Opinion with regard to the documents in question and they filed the present petition now only to cover up the *lacunae.* It is true that there appears to be delay in filing the above petition by the prosecution. It is now well settled that mere delay cannot by itself be a ground to reject an application for sending a document to an Expert. What the court should see is about the necessity of such expert opinion having regard to the controversy in the case.

4. The impugned order of the learned Magistrate would show that she has discussed at length about the respective contentions of

the parties and ultimately concluded that Expert opinion is necessary. This can be said an interlocutory order and revision is not maintainable also against such an order and it is for this reason this petition is filed.

5. Coming to the merits of the matter also, petitioner's counsel except pointing out that there is delay could not point out any circumstance which would prejudice the defence of the petitioner. It may also be noted that if the expert opinion comes in favour of the petitioner it may help him also.

6. In the above circumstances, I do not see any illegality or infirmity in the impugned order. Accordingly this criminal revision is dismissed at the admission stage and the trial court shall proceed to dispose of the case expeditiously.

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N. RAVI SHANKAR, J.

July 15, 2011.
***BVS**